

Title IX Informal Resolution Training

August 7, 2025



Title IX Training Series – July/August 2025



July
17

Title IX Coordinator

Thursday, July 17th 9AM - 12PM

July
24

Title IX Investigator

Thursday, July 24th 9AM - 12PM

July
31

Title IX Decision-Maker and Appeal Officer

Thursday, July 31st 9AM - 12PM

Aug
7

Title IX Informal Resolution Facilitator

Thursday, August 7th 9AM - 12PM



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Agenda



- Title IX Fundamentals
 - Law
 - Coverage
- Roles in Title IX Grievance Process
 - Requirements and Prohibitions
- Informal Resolution Process
- Facilitation Skills
- Quiz



Title IX Fundamentals

Title IX

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

- Title IX of the Education Amendments of 1972

Enforced by the Office for Civil Rights (OCR)

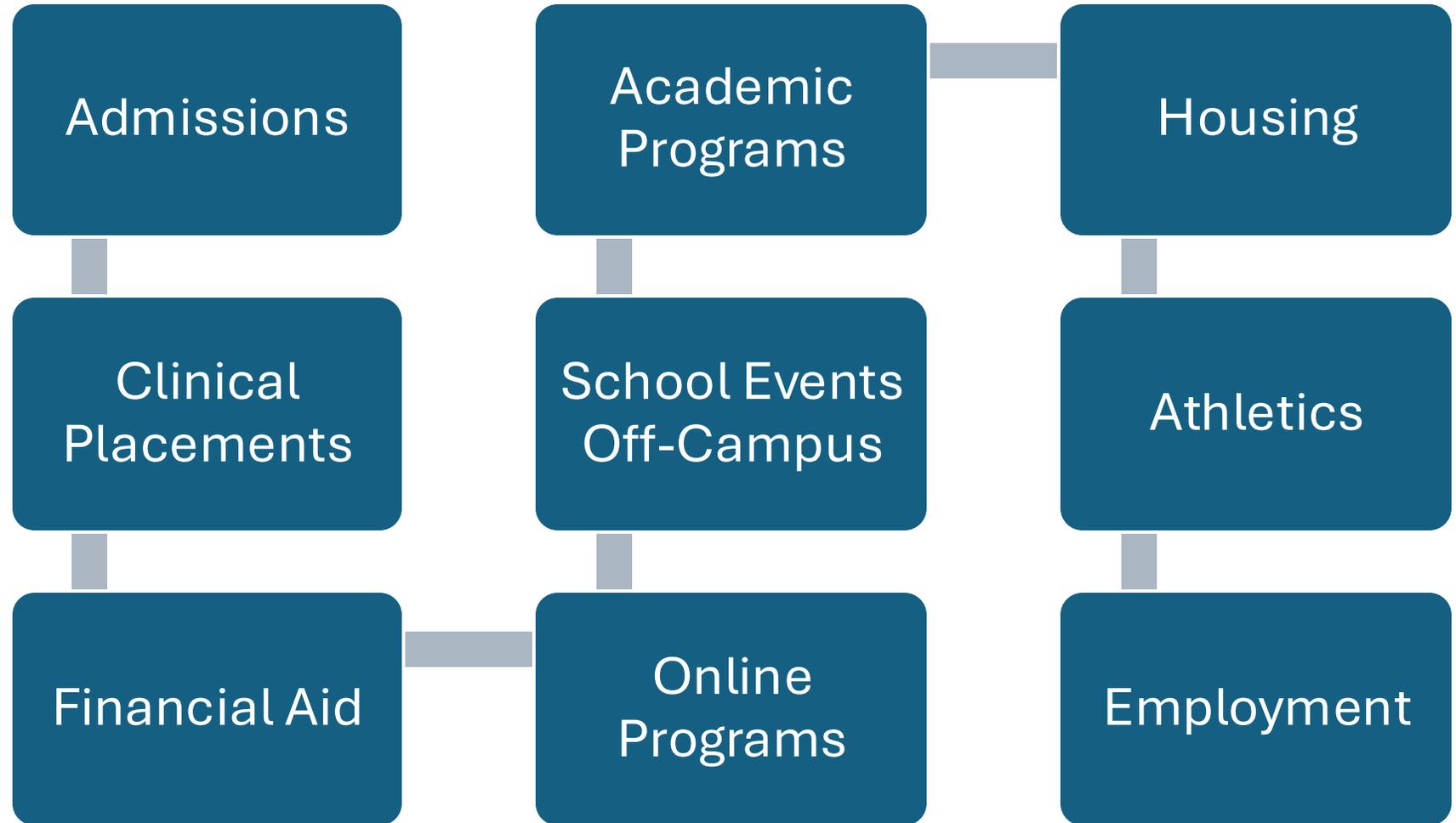


Educational institutions must respond in a manner that is not **deliberately indifferent** when it has actual knowledge of sexual harassment occurring in the institution's education program or activity against a person in the United States.

Failure to respond to a complaint following the Title IX process could be evidence of deliberate indifference.

Title IX

- Prohibits sex discrimination in educational programs and activities.



TIXGP: Jurisdiction Defined

Occurring in the institution's
education program or
activity

- includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred

Against a person in the
United States

Title IX: Scope of the Education Program or Activity

Locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Off-campus activities covered if one (1) of three (3) requirements are met:

1. The off-campus incident occurs as part of the school's operations;
2. The school exercised substantial control over the respondent and the context of alleged sexual harassment that occurred; or
3. *The incident of sexual harassment occurs at an off-campus building owned or controlled by a student organization officially recognized by a college.*

Reporting Obligations of K12 Employees

Non-Confidential Employees

All employees, except Confidential Employees, have an obligation to report to Title IX Coordinator upon notice about Title IX complaint

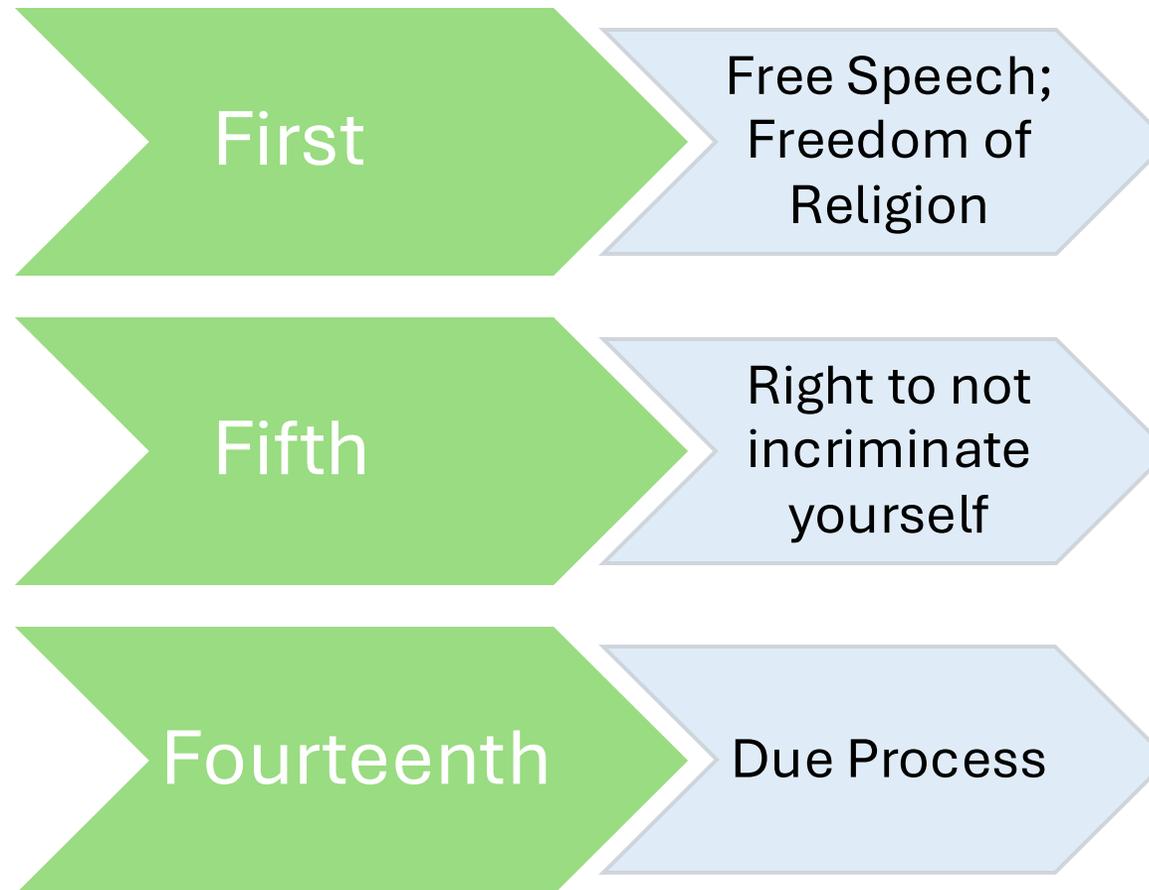
Confidential Employees

Mental Health professionals with a license
No duty to report to Title IX Coordinator

Title IX Enforcement and Federal Constitutional Protections



Title IX process may not limit or restrict constitutional protections



Title IX Prohibits Retaliation



- Prohibition against retaliation for any participant in the Title IX reporting and investigation process
- Requires some level of school action



Title IX Sexual Harassment

Important Definitions

Title IX Covers



Title IX protects BOTH students and employees of K12 Schools

Sex discrimination

Sexual Harassment

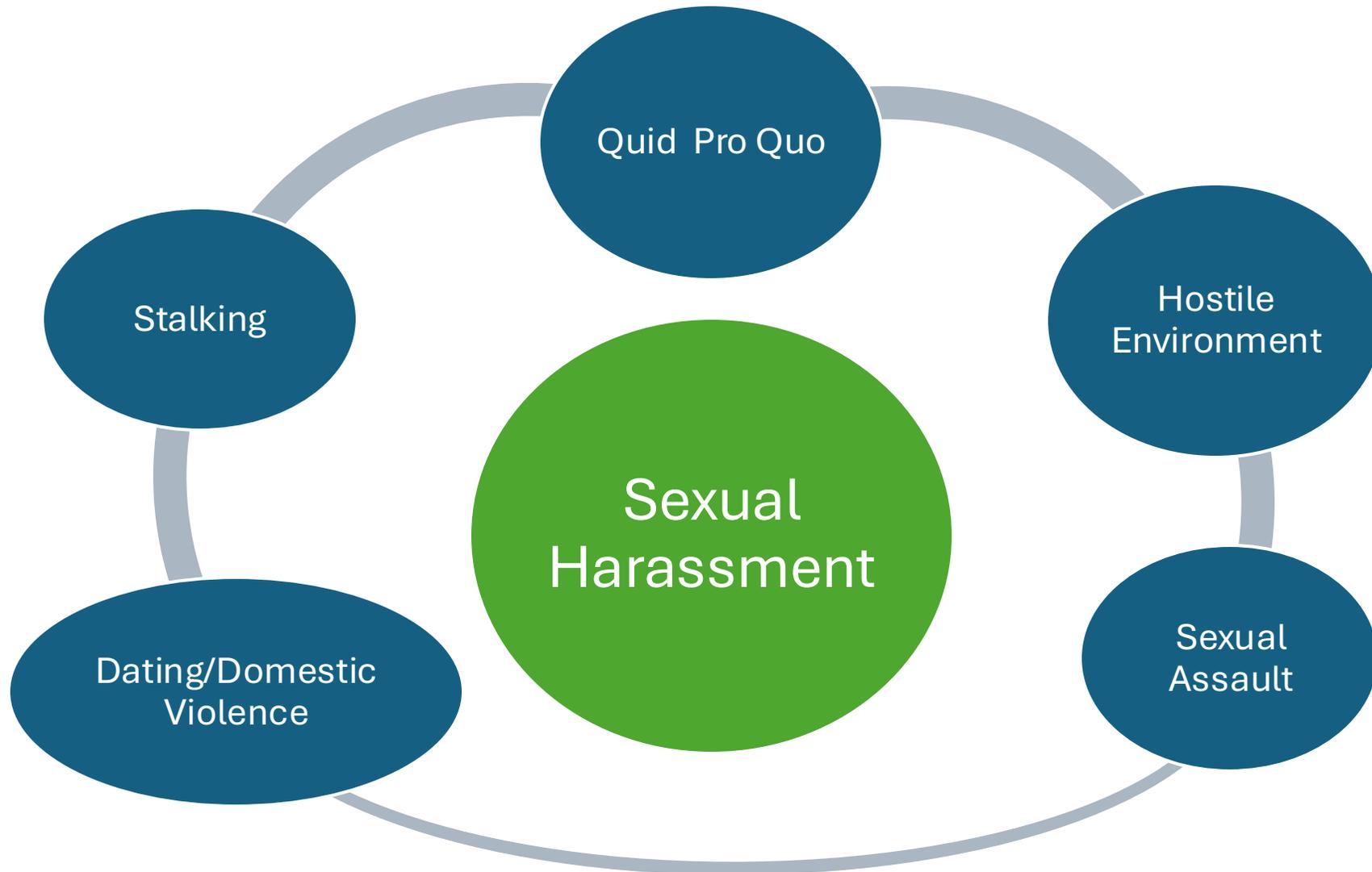
Athletics

Sexual Assault

Pregnant Students

Recruitment/Admissions Programs

Title IX (TIX) Definition of Sexual Harassment



TIX Definition of Sex



- Title IX’s definition of “sex” has evolved over the years.
- Recent executive and regulatory guidance has specifically excluded gender identity from this definition.
- Allegations of discrimination/harassment related to non-binary, transgender, and gender non-conforming students and employees are not covered under Title IX.

Quid Pro Quo Harassment



Defines conduct “on the basis of sex” and includes:

- Quid pro quo - An employee of the school conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct.

Hostile Environment Harassment



- Hostile environment - Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the school's education program or activity.

Specific Acts



- Sexual Assault
 - Rape
 - Fondling
- Dating Violence
- Domestic Violence
- Stalking

Sexual Assault



Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI.

Forcible:

- Any sexual act directed against Complainant, forcibly, against Complainant's will, or without consent, including rape, sodomy, sexual assault with an object, and fondling.

Non-Forcible:

- Offenses that do not involve force where the Complainant is incapable of giving consent, including statutory rape and incest.

Dating/Domestic Violence

Dating violence meaning violence committed by a person:

(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the school, or a person similarly situated to a spouse of the victim;

(2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(3) Shares a child in common with the victim; or

(4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Stalking

Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's safety or the safety of others; or
- (2) Suffer substantial emotional distress.



Key Roles in the Title IX Process

Title IX Roles



Administration of Claims

- Title IX Coordinator
- Title IX Investigator
- Title IX Decision-Maker
- Title IX Appeal Officer
- Title IX Informal Resolution Officer

Training required for all of these administrators of Title IX matters

Parties

- Complainant – alleged victim/survivor
- Respondent – responds to the allegation(s)
- Advisor to parties

Other Participants

- Fact Witnesses
- Expert Witnesses

Title IX Coordinator Role



- Shepherds the Title IX process
- Receives report
- Evaluates the complaint and holds initial meeting with Complainant
 - Supportive Measures
 - Procedure Options – Investigation, Informal Resolution
- Identifies Investigator
- Sends Notice of Allegations Letter
- Provides supportive measures for Respondent
- Engages in regular outreach to the parties about investigation and potential delays
- Shares investigation information with the parties
- Identifies Decision-Maker
- Addresses challenges based on bias or conflict of interest
- Delivers Outcome Letter to parties
- Processes a potential appeal

Title IX Investigator Role



- Policy will define expectations for the Investigator
- Seek clarity about role
 - Investigation
 - Information that will be shared
 - Full file and draft investigation report
 - Managed by TIXC or Investigator
- Gather relevant evidence
- Create and maintain the investigation record
- Develop and revisit your investigation strategy
- Collect the investigatory information into the proper format
- Draft and finalize report

Title IX Decision-Maker Role



- Permitted to be:
 - Anyone trained but NOT
 - Title IX Coordinator
 - Title IX Investigator
- Reviews:
 - All evidence collected in the investigation
 - Parties' responses to the investigation file review
- Permitted to engages in questioning of parties or witnesses
 - Credibility
 - Seeks answers to unanswered, relevant questions
- Determines
 - Policy violation
 - Discipline
- Must avoid
 - Partiality
 - Conflicts of interest
 - Bias
- Respect parties' rights under the process

TIXGP: Informal Resolution Facilitator Role



- **Trained facilitators**
- Offered after formal complaint is filed
- Parties participation cannot require a party to waive the right to an investigation and adjudication of a formal complaint
- Obtains the parties' voluntary, written consent to the informal resolution process
- Described to both parties
- Parties agree in writing
- Either party may end informal resolution before a formal agreement is accepted, and the matter returns to the Title IX investigation process
- **Never** available when complainant is student and respondent is employee

Title IX Appeal Officer Role



- Appeals permitted in limited circumstances
 - Dismissal from Title IX
 - Outcome
- Upon receipt of an appeal, the matter will be forwarded to the appropriate Appeal Officer
- Both parties are notified of the appeal
- Appeal standard applied to the facts
- Decision shared with parties

Advisors to the Parties



- Parties must be advised that they can have an advisor present for the entire investigation process including the interview.
- Parties select an “advisor of choice.”
- Advisor may be, but need not be, an attorney.
- Advisor provides advice and counsel to the party during the process.
- Advisor has a more active role in cross-examination if a hearing takes place.
 - K12s are not required to hold hearings.
- Advisors are invited to support the parties through the decision-making and appeal process.

Title IX Grievance Process

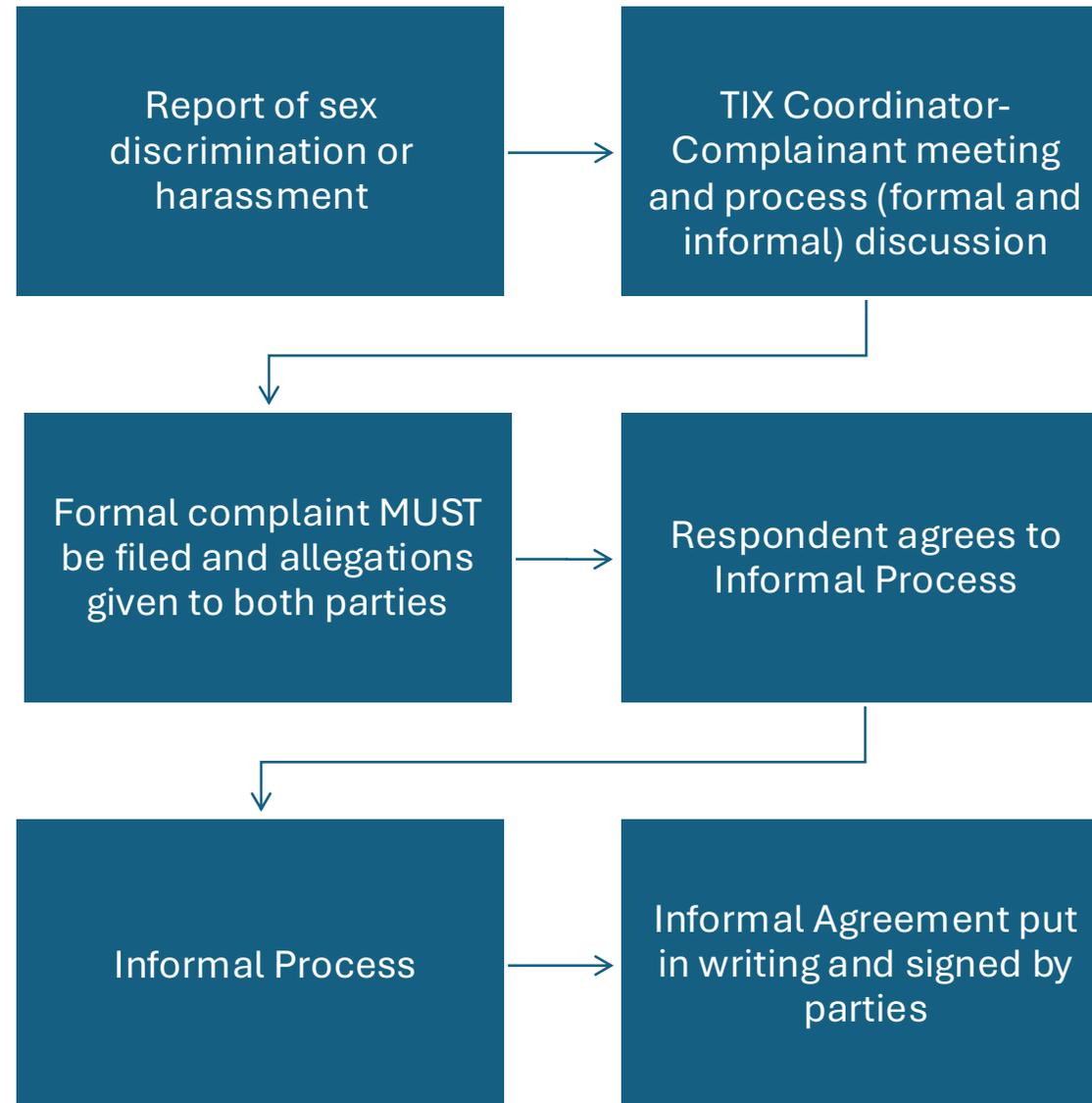


Overview of Title IX Grievance Process (TIXGP)



- Respond promptly in a manner that is not deliberately indifferent
- Due process and fundamentally fair procedures to adjudicate the allegations
- Upon notification, supportive measures offered
 - Emergency removal
- Offer of formal process (upon signing of Formal Complaint)
 - Complainant files or Title IX Coordinator may file
- Both parties receive notice of the allegations
- Both parties participate in investigation and can inspect information gathered
- Separate decision-maker(s)
- Completed in a prompt time-frame
- Retaliation prohibited - define the retaliation complaint process

Flow Chart for Informal Resolution Process



Title IX Informal Resolution Facilitator

Impartiality



- Be neutral – neither pro-Complainant nor pro-Respondent
- Consider all of the evidence as presented
- Maintain an open mind regarding potential conclusions

Conflicts of Interest



Relationship
to parties or
witnesses

Professional
conflicts

Personal
conflicts

Actual and
perceived

Stereotypes

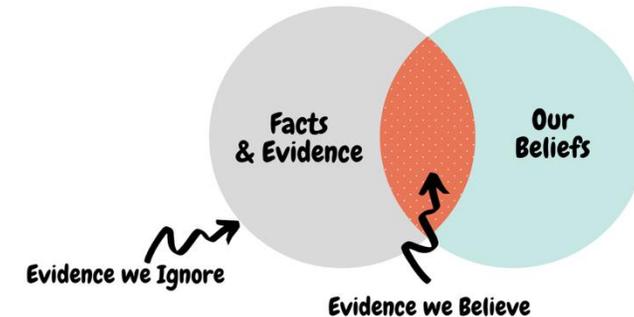


- “A fixed, over generalized belief about a particular group or class of people.” (Cardwell, 1996)
- Stereotypes around sexual assault
- Stereotypes around sexual harassment
- Complainant and Respondent

- No administrator in the Title IX process can rely on stereotypes to reach a conclusion

Bias

Confirmation Bias



- Over 800 types of bias
- Conscious/Explicit
 - Discriminatory intent
 - Stated preferences
- Unconscious/Implicit
 - For the most part, most people are unaware of these drivers
 - Developed over a period of time and can influence many factors in hearing
 - Shortcuts developed by the brain and often play a role in:
 - Immediate response to conflict
 - Often mimics fear responses



Resolving Allegations of Sex Discrimination/Harassment

Resolution Options for Parties



Formal Grievance Process

- Request for Investigation
- Notice to Parties
- Investigation
- Sharing of investigation materials and response
- Outcome

Informal Resolution

- Report
- Quasi-Informal Resolution
- Formal Complaint filed
- Facilitated Informal Resolution

Goals of the Processes



Formal Resolution

- Determine if school policies have been violated
- If appropriate, impose the proper discipline

Informal Resolution

Various goals can be met

- Empower the parties to reach resolution
- Restore educational access
- Address past harm
- Prevent future harm
- Create space for communication and understanding among parties, if desired

Informal Resolution Process

The background features a series of parallel diagonal stripes in shades of green and blue, separated by white lines. The stripes are arranged in a pattern that suggests movement and structure, with some stripes crossing or overlapping to create a sense of depth and complexity.

Informal Resolution – Preliminary Considerations

- Alternative process to the formal grievance investigation process for Title IX matters
- Can be used:
 - ONLY after a formal complaint has been filed
- Both parties must:
 - Voluntarily participate and memorialize this in writing
 - Not a waiver of any rights
- Title IX Coordinator can identify matters that are appropriate or inappropriate for the informal process; inappropriate might include:
 - Presence of violence in the allegations
 - Prior behavior by Respondent
 - Multiple Complainants
- Other factors
 - Power imbalance between the parties (real or one-sided)
 - Lack of good faith of either party
- NEVER available when a student brings a complaint against an employee of the district/school

Types of Informal Resolution



“Quasi” Informal Resolution

- Investigation is not requested
- Complainant is seeking resolution
- Respondent’s agreement is not necessary
- Notice of allegations to other party may not be required if supportive measures only are sought by Complainant

Informal Resolution

- Parties need to agree to the process
- Investigation is stayed/stopped, pending the outcome of the informal process
- Facilitator is used
- Parties may return to the formal process at any point before completion of informal resolution process

Quasi-Informal Process Complainant-Driven Resolution

- Complainant declines an investigation
- No Notice of Allegations is sent
- Seeks the following type of relief:
 - Supportive measures ONLY

Informal Resolution Best Practices



- Formal Complaint filed

- Notice of Allegations sent detailing the allegations and formal complaint process, requirements of the process

- Parties advised of the informal resolution process and both agree in writing to proceed

- Parties advised of right to withdraw from the process and initiate or resume grievance procedures

- If informal resolution concludes, parties may not initiate or resume grievance procedures

- Resolution put in place in writing and kept for recordkeeping purposes

Title IX Coordinator Review



- Is the matter proper for informal resolution?
- Certain matters may NOT be appropriate, such as:
 - Respondent could be a future risk to others
 - Matter could result in serious discipline (suspension, expulsion) if proved
 - Severity of the conduct
 - Desire of the parties
 - Impact on other students and campus environment
 - Various other concerns

Facilitated Resolution Methods



- Mediation
 - Facilitated process to reach resolution
- Shuttle negotiation
- Restorative practices
- Any method and/or process that parties agree to follow

Bringing the Facilitated Resolution to Conclusion



Successful

- Document the agreement and have the parties sign
- Brings the investigation to a conclusion
- Incorporate language about failing to abide by the terms and consequences
 - Do not return to investigation
 - Designate who will address potential violations of agreement

Unsuccessful

- Document return to investigation process
- Advise parties of conclusion of informal process
- Follow documentation requirements from policy or practice

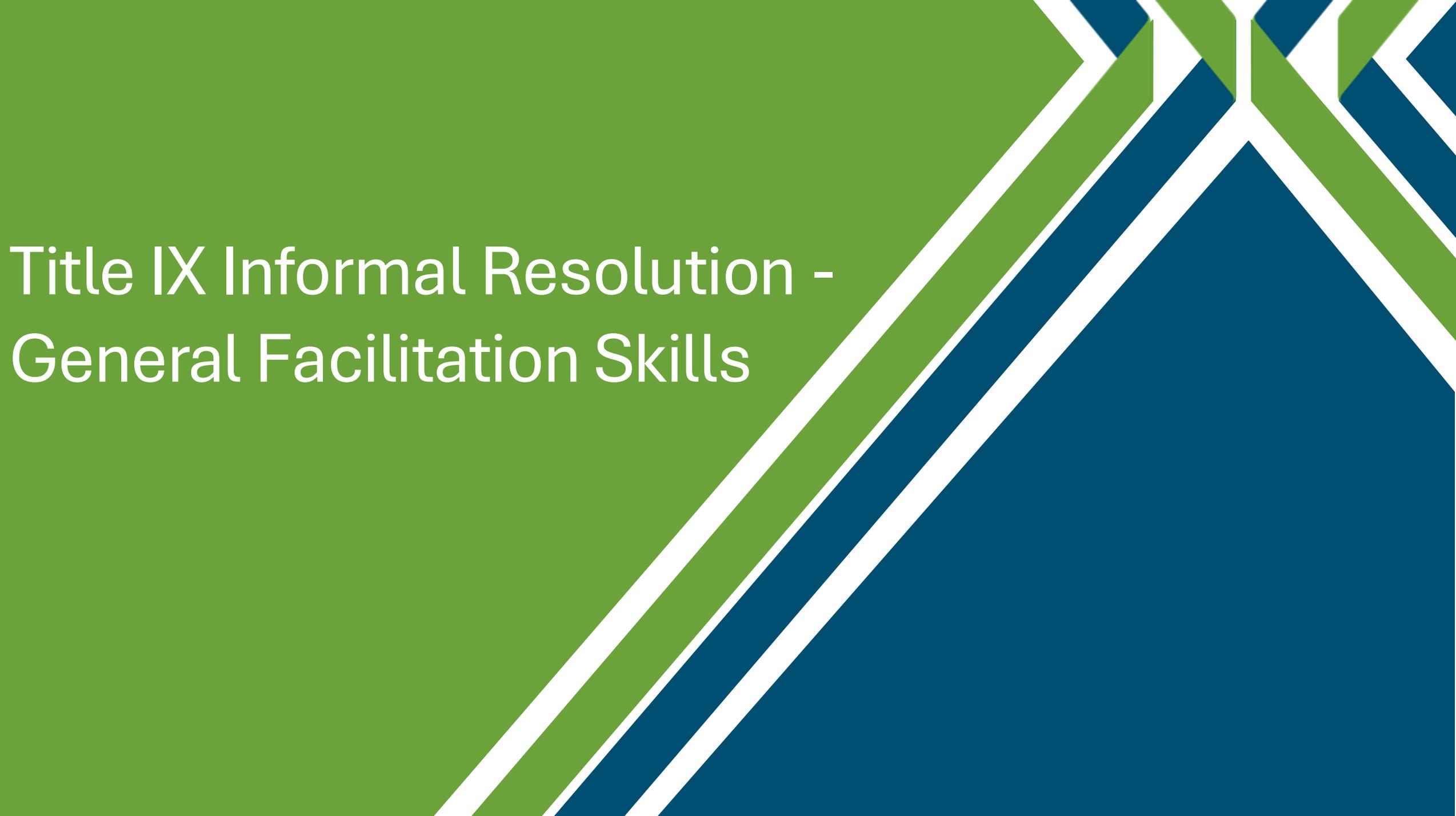
Suggested Outline for Resolution Agreement



- Parties and parents/guardians (if participating)
- Allegations
- Relevant dates
- Name of facilitator
- Explain the process in brief terms
- Terms of the agreement
- Relevant dates when terms expire or cease to exist
- Consequence for failure to abide by the terms and acknowledgement of these consequences by both parties

Recordkeeping

- Parties agreement to use informal process
- What the informal process will look like (might include) in this particular matter
- Signatures
- Privacy of documents captured during the informal resolution process
- Return to process
- Conclusion of the process
- Record of agreement between the parties
- Title IX Office “owns” these documents in order to protect confidentiality
- WHAT ELSE?
- Records must be maintained for seven (7) years

The background features a solid green area on the left and a dark blue area on the right, separated by a diagonal white line. Overlapping these areas are several thick, parallel diagonal lines in green and blue, creating a complex geometric pattern.

Title IX Informal Resolution - General Facilitation Skills



Documents Prior to Assignment

- Notice of Allegations (or similar document)
- Agreement to enter into informal resolution, signed by both parties
- School policy on Title IX Informal Resolution
- Explanation of the process with confirmed receipt from the parties

Documents after Facilitation

- Information from the facilitation (if policy requires)
- Return to the investigation process, with notice to parties and Title IX Coordinator OR
- Agreement reached in informal process, signed by both parties

Facilitator Role



Role may include:

- Review, explain and develop agreed-upon process for parties
- May interview witnesses, collect documents
- Facilitate storytelling by all participants
- Identify and list harms
- Brainstorm solutions
- Question parties about requested terms and explain legal restrictions on the process and resolutions
- Prepare resolution agreement with input from parties

Not an investigation:

- Gather information about what they are seeking from the process
- Manage their expectations
- Explore opportunities for agreement
- Determine how to get to requested agreement
- NOT interviewing
- NOT trying to reach a policy violation conclusion

Title IX Facilitator Confronts Conflict in Informal Resolution Process

Conflict Resolution Steps to Incorporate

- Meet with parties and parents (K12) to set ground rules and see what is possible.
 - Identify non-negotiables.
- Set ground rules.
 - Personal experience of what happened; acknowledge it is not necessarily everyone's experience.
- Be an active listener and use positive body language to show you are attentive and following along.
- Remain professional and unbiased in all interactions to earn and maintain both sides' respect.
- Know when to take a break when emotions are running high or nerves need calming.
- Bring in someone else to act as a mediator if needed, as this will showcase your integrity and earn respect from both sides.

Initial Inquiries



Does district have requirements for the informal resolution process to move forward (i.e., required discipline; moving classes; voluntary withdraw)?



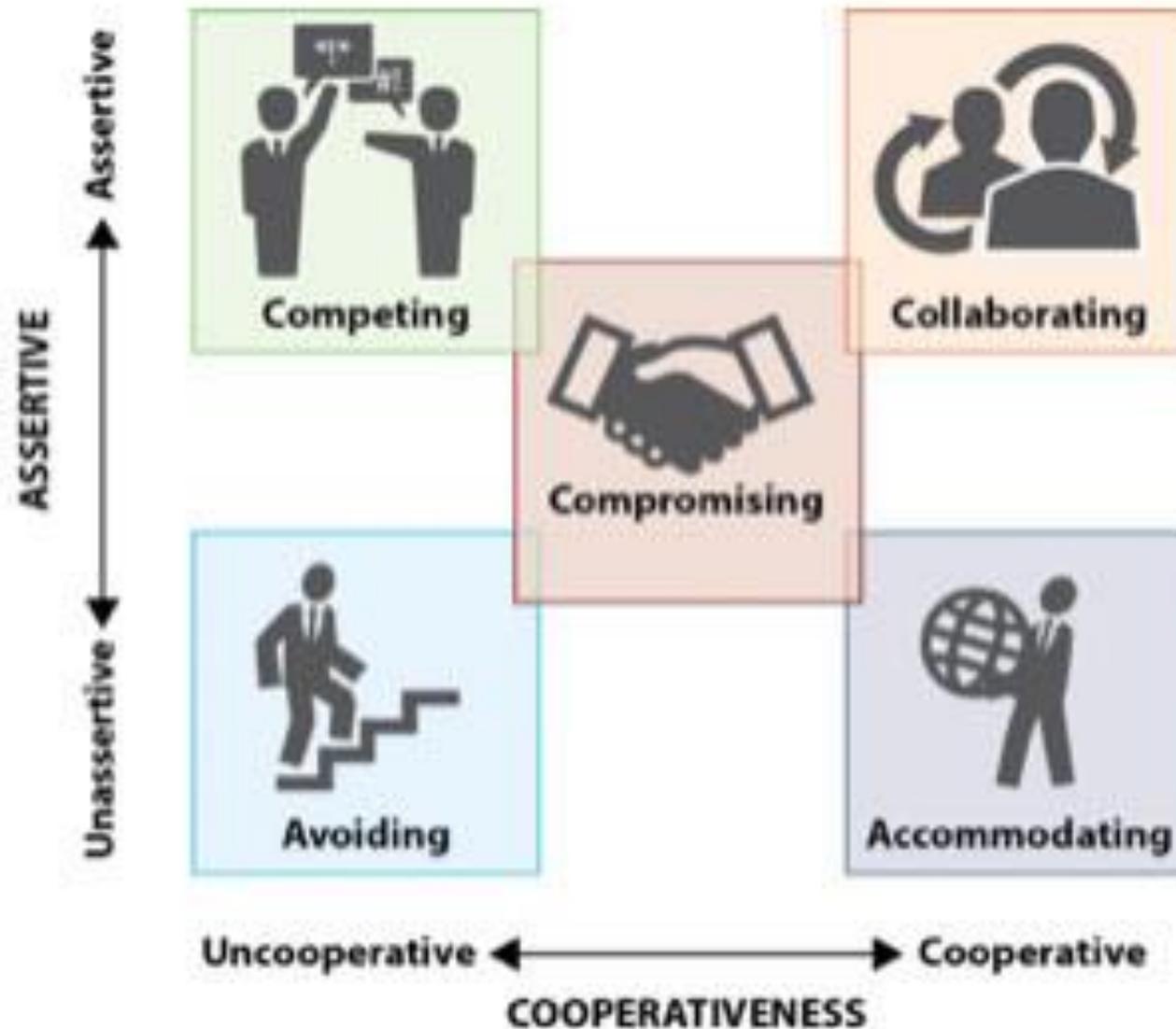
Do parties have non-negotiables (i.e., apology; campus events)?



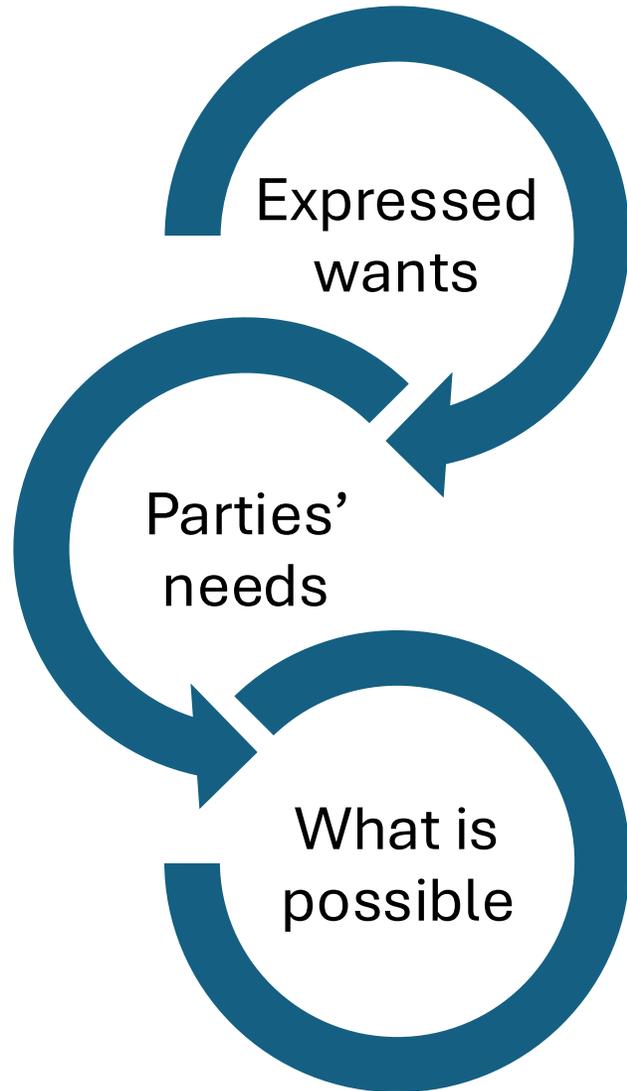
How will communication between the parties (and/or parents/guardians) be handled?

Examine the Nature of the Conflict

Thomas-Kilmann Model



Explore Resolution Possibilities



Maslow's Hierarchy of Needs



Best Tool for Informal Resolution: Active Listening



- Establish rapport
- Understand perspectives on event
- Gauge the level of emotional concern
 - May need to diffuse emotional presentation/response without discounting the person's feelings
- Encourage parties to share (in presence of other party or not)
- May help determine the right path for informal process
- Facilitate conversations with the other party about possibilities for resolution

Conclusion of Informal Process



- Informal resolution agreements should be reduced to writing with all essential terms
- Parties should sign, and institution should give written approval
- Parents/guardians should sign as well

Failure to Abide by Informal Resolution Agreement



- Informal resolution concludes the underlying process
- Agreement should address this possibility and the consequences
- Do not return to the formal investigation process

Quiz

<https://forms.gle/ZzbQCESnicF8wt4bA>



Questions?

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